

## REMARKS/ARGUMENTS

### I. Fees

Applicant believes that there are no additional fees due at this time. *If there are any additional fees due in respect to this amendment, please charge them to Deposit Account No. 13-2165. Authority is hereby given to charge any such deficiency, or credit any overpayment, to Deposit Account No. 13-2165 Mathews, Shepherd, McKay & Bruneau. The Examiner is invited to contact the undersigned if further information is required.*

### II. Request for Interview

Prior to the issuance of a further Office communication, Applicant requests an interview with the Examiner to further discuss the claimed present invention and how it is distinguished over the cited prior art.

### III. 35 U.S.C. § 112

It is the Examiner's opinion that claims 71-90 are rejected under 35 U.S.C. § 112 first paragraph as failing the enablement requirement. In the interest of prosecutorial efficiency the Applicant has canceled claims 71-73 and 81-90 without prejudice in order to more clearly state the present invention.

With respect to antecedent basis for "the preexisting data" and "the preexisting digital data" applicant has amended the various occurrences to read "the preexisting independently

created digital data". The antecedent basis is found in the amended preamble.

With respect to system claims 72-80 depending on claim 70 and method claims 82-90 depending on claim 80, the applicant has amended the claims to reflect proper dependency.

Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112 first paragraph of claims 71-90.

#### IV. 35 U.S.C. § 102

It is the Examiner's opinion that claims 71-90 are anticipated by US Patent No. 5,678,041 issued to Baker. In the interest of prosecutorial efficiency the Applicant has amended independent claims 71 and 81 with corresponding amendments to the dependent claims in order to more clearly state the present invention.

The applicant agrees that Baker discloses communicating digital data between data sources. However, Baker does not teach or suggest a system for signaling content quality of preexisting independently created digital data between at least two digital devices, digital data between at least two digital devices having a digital source and a digital receiver, independent of a user, the preexisting independently created digital data having a plurality of data records, each of the plurality of data records having a plurality of data fields. Baker does not teach analyzing quality of the content of the preexisting independently created digital data using one or more predefined sets of criteria without user interaction; grading the results of the analysis without accessing the data, the grade indicative of the quality of the content of the data using at least one or more predefined sets of criteria without user interaction; and, marking the data with the

grading results without changing and without accessing the data and without user interaction.

Wherein a first digital receiver dynamically accesses the mark without accessing data to determine suitability for subsequent use of the data; whereby a different digital receiver without user interaction can independently determine suitability from the mark for another subsequent use of the data without accessing the data.

Baker discloses a rating database to determine access rights to resource identifiers or pointers, such as a URL. Baker teaches away from the present invention in that Baker teaches that the database is updated and modified by an administrator/manager. In particular the database contains an access rating for which the user has been assigned specific permissions by an administrator/manager (see column 3 lines 7-32). Baker provides a rating which determines if a user is granted access to the content identified by the URL.

In contrast to Baker, the applicant's present invention has three distinct parts. They include: analyzing the content of preexisting digital data without user interaction; grading/scoring/rating the results of the analysis without accessing the preexisting data and without user interaction; and marking/presenting/labeling the grading/scoring/rating in one or more output forms without accessing the preexisting data and without user interaction. Thus allowing various decisions regarding the suitability of the data to be made without needing to have access to the preexisting data after the initial analysis step whereby a different digital receiver without user interaction can independently determine suitability from the mark for another subsequent use of the data without accessing the data.

There is a pervasive need to have current, reliable, and trusted data from what are termed Authoritative Data Sources which must function *without user interaction*. This requirement has grown increasingly important in all industries and in particular in the military as it transforms. The transformation requires individual organizations, each using an array of independently developed stovepipe systems, to function on the battlefield with other weapons systems, services, and friendly nations, sharing communications networks and data.

Organizations are increasingly relying on digital systems to conduct their business. These digital systems typically interoperate with other digital systems, both internal and external to the organization. As this reliance on digital systems has grown, so has the reliance on data that is provided by others. This data may be used or published as is or may be integrated and manipulated. The number of inter-system transactions and information exchanges has proliferated even more with the expansion of Internet use. Often the data provided by a source information provider is critical to the successful operation of the receiving organization.

Baker does not teach each and every element of the applicant's claimed invention. Withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested, as the Examiner has failed to make a prima facie case of anticipation based on the cited prior art.

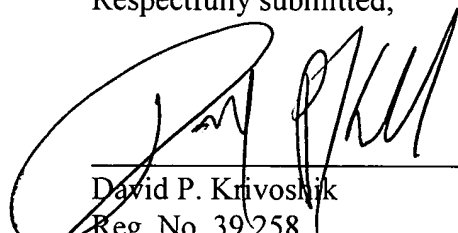
**V. Summary**

By this amendment, applicant has amended the claims to more clearly state the present invention. Applicant believes that claims 71-90, the only remaining claims are in condition for allowance.

Should there remain any questions or other matters whose resolution may be advanced by a telephone call the Examiner is cordially invited to contact the applicant's undersigned attorney at his number below.

Respectfully submitted,

Dated: August 14, 2006

  
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